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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James Stanley Spencer

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EXAMINER

ANDERSON, FOLASHADE

ART UNIT

PAPER NUMBER

3623

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/056,753	Applicant(s) SPENCER ET AL.	
	Examiner FOLASHADE ANDERSON	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 31 July 2008.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-36 is/are pending in the application.

 4a) Of the above claim(s) 30-36 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-29 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/31/2008 has been entered.

2. Claims 1-36 are currently pending in this application. Claims 30-35 have been withdrawn from further consideration. Claims 3, 4, 18 and 19 have been amended. Claims 1-29 are rejected below. It is noted that Applicant has not included claims 30-36 in the 07/31/2008 claims submission however Applicant has not formally canceled these claims as such they are still considered pending, but withdrawn as noted in the 11/05/2007 claims submission. It is requested that applicant clarify the status of claims 30-36 in his next response otherwise the Examiner will issue a notice of non-compliance under 37 CFR 1.121.

Response to Arguments

3. With regard to the 35 U.S.C. 102 (b) rejection, Applicant's arguments have been fully considered, but found unpersuasive. In the Remarks, Applicant argues that Howard fails to disclose or suggest (1) preparing resource activity plan based on the

resource management information, see page 10 of the remarks, (2) tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information, see page 10 of the remarks, and (3) updating the resource management information based on the tracking of actual results, see page 11 of the remarks. Additionally Applicant asserts (4) that an official notice was taken without supporting documentary evidence, see page 13 of the remarks. Applicant argues that Howard fails to disclose or suggest (5) providing notification to user related to modifications of activity plans based upon changes to resource management information and checking activity plans for compliance with certain conditions. Additionally Applicant asserts that it would not have been obvious to one of ordinary skill in the art at the time of the invention to modify Howard to have (6) the resource information comprise constraints based on laws and regulations applicable to defined geographic units, see page 15 of the remarks, (7) the constraint information be constrained by customer orders for the natural resource or products derived from the natural resource, see page 17 of the remarks.

In response to Applicants argument (1) the Examiner respectfully disagrees Howard discloses preparing resource activity plan based on the resource management information (col. 4, lines 29-41). Applicant further asserts in his argument on this point that Howard does not teach "making multiple software calls to the Forest Manager object in a particular sequence or how such a sequence is constructed or executed. The Examiner notes that the assertion made to in support of this argument are not positively recited in the claim language as such have been given no patentable weight.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Even if the assertion were positively recited Examiner highlights the object-oriented programming method used in Howard (col. 4, lines 43-67) to indicate that system is capable of sequencing objects with in the resource management system for a specific execution sequence.

In response to Applicants argument (2) the Examiner respectfully disagrees with Applicant's assertion that "sampling the simulation" suggest that parts of the state of the simulation are read without interfering with the simulation". Since the simulation is briefly stopped to incorporate the timed or manually enter event in to the simulation process the simulation is restarted once the event is incorporated. (col. 6, lines 37-63).

In response to Applicants argument (3) the Examiner respectfully disagrees Howard teaches the tracking of income and expenses as the simulations runs (col. 7, lines 37-57 and col. 14, line 25) income and expenses are types of resource management information (col. 4, lines 32-33 i.e. salaries of employees) therefore Howard teaches updating the resource management information based on the tracking of actual results.

In response to Applicants argument (4) the Examiner respectfully disagrees. No official notice was taken with respect to claims 2-5, 12, 13, 17-21 and 22. Therefore it is not necessary for the Office to provide support however to move prosecution along the following documentation is provided: to notify users when an activity is affected by a change to the data (Griffin et al US Patent 5,535,385 col. 1, lines 38-53); to adhere to

laws and regulations applicable to a defined geographic unit in a natural resource management system, (Lederer US 2002/0023109 A1 [0042] where it is old and well known in general that laws and regulations must be adhered to in the normal course of business not limited to the management of natural resources); and a delivery schedule with a harvest schedule, including the delivery requirements (Forest Industries Twinriver Timber Ltd's supplying logs to Canadian Cellulose Co mills in British Columbia is complicated, published 01/1980 where the calculated balance of pulpwood and sawlogs are the delivery requirements for the mills). Further it is noted that in the previous office action motivation was provided for the modifications of Howard using the old and well known features thus part (b) of Applicants request on page 14 of the remarks section need not be addressed here.

In response to Applicants argument (5 - 7) the Examiner respectfully disagrees. In additions to the response set forth with respect Applicants argument (6) Applicant further asserts that one of ordinary skill in art would not have made the modification based on the reasoning set forth in the previous office action, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Examiner notes that in the remarks section page 11-12 that Applicant is correct in his assumption that the head under 35 U.S.C. 103 citing to Remsoft is a

typographical in the previous office action. The Examiner thanks Applicant for pointing the error out.

Claim Rejections – 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6-11, 14-16, 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Howard (U.S. 6,041,173).

As per claims 1, 16 and 27, Howard teaches a method of integrated natural resource management comprising:

storing and managing resource management information associated with defined geographic units in a database, including storing spatial and non-spatial information associated with the defined geographic units (col. 3, lines 16-18 and 55-61; col. 4, lines 21-41; Information such as trees grouped into geographic units (i.e., spatial) as well as accounting and forestry management practices (i.e., non-spatial) are stored and managed in the database.);

preparing resource activity plans based on the resource management information for use in managing a natural resource within the defined geographic units (col. 4, lines

29-41; Accounting and forestry management actions (i.e., resource activity plans) are maintained in the database.);

tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information (col. 6, lines 40-44; The Simulation Control Object tracks the results of management actions performed on the resources over a period of time.); and

updating the resource management information based on the tracking of actual results (col. 7, lines 37-57; col. 14, line 25; For each simulation performed, the resource management information is tracked and updated.).

As per claim 6, Howard teaches the information comprises feedback from actual results of managing the natural resource according to the resource activity plans (col. 6, lines 40-44; The Simulation Control Object tracks the results of management actions performed on the resources over a period of time.).

As per claims 7 and 22, Howard teaches preparing the resource activity plans comprises preparing a plan for harvesting the natural resource within the geographic units (col. 2, lines 18-21; col. 4, lines 29-37; The resource activity plans include harvesting a natural resource within a geographic unit.).

As per claims 8 and 23, Howard teaches preparing a plan for developing infrastructure for use in supporting harvesting the natural resource (col. 14, lines 52-64; col. 16, lines 54-62; Table 11; Several management actions are planned to support the harvesting of the natural resource.).

As per claims 9 and 24, Howard teaches preparing a plan for maintaining and deactivating infrastructure for use in supporting harvesting the natural resource (col. 14, lines 52-64; col. 16, lines 54-62; Table 11; Several management actions are planned to support the harvesting of the natural resource.).

As per claims 10 and 25, Howard teaches preparing a plan for reclamation of the defined geographic units following the receipt of update information pertaining to the effects of harvesting the natural resource (col. 14, lines 52-64; col. 16, lines 54-62; Table 11; Several management actions are planned to support the harvesting of the natural resource.).

As per claims 11 and 26, Howard teaches preparing a silviculture related plan (col. 4, lines 29-41; Management actions include forestry related plans.).

As per claims 14-15, Howard teaches verifying the resource activity plans comply with one or more silviculture prescriptions associated with the defined geographic units, including comparing one or more quantitative constraints in the silviculture prescription with ecological data stored in the database for the at least one of the defined geographic units. (col. 7, line 65-col. 8, line 6).

As per claim 28, Howard teaches a resource activity management system adapted to provide users with views of the resource activity plans and adapted to compare the resource activity plans with the actual results tracked by the actual results tracking system (col. 2, lines 9-12; Figures 1 and 11).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5, 12-13, 17-21, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard (U.S. 6,041,173) and Remsoft Inc.

As per claims 2, 5, 12-13, 17 and 20-21, Howard does not expressly teach the activity plans notify a user when a resource activity plan is affected by updates to the resource management information; or notifying a user when changes in conditions of the resource management information have an impact on resource activity plans. However, it was old and well known at the time of Applicant's invention to notify users when an activity is affected by a change to the data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Howard to notify a user when an activity plan is affected by an update to the resource information because notifying a user makes them aware of a change to a plan, thereby enabling the user to take any necessary action in response to the change in a timely manner.

As per claims 3 and 18, Howard does not expressly teach the resource information stored comprises constraint information based on laws and regulations applicable to the defined geographic units and wherein the constraint information is relied upon in the preparation of resource activity plans. However, it was old and well

known at the time of Applicant's invention to adhere to laws and regulations applicable to a defined geographic unit in a natural resource management system. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Howard to have the resource information comprise constraints based on laws and regulations applicable to defined geographic units because doing so ensures that the actions performed on the geographic units adhere to the particular laws and regulations of those units.

As per claims 4 and 19, Howard does not expressly teach the information comprises constraint information based on customer orders for the natural resource or for products derived from the natural resource and wherein the said constraint information is relied upon in the preparation of resource activity plans. However, Howard does teach tracking income, expenses and rate of return (col. 14, line 64-col. 15, line 2; col. 18, lines 35-65), which can be affected by customer orders. Additionally, it was old and well known at the time of the invention to use the demand for an item (i.e., customer orders) as a constraint for how much of the item to produce so as to maximize revenue and profit. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Howard to have the information be constrained by customer orders for the natural resource or products derived from the natural resource because doing so provides the simulation system with additional data to use, thereby providing the system with comprehensive data with which to model its accounting data such as income, expenses and rate of return (col. 18, lines 35-65).

As per claim 29, Howard does not explicitly teach the customer tracking system adapted to store and track customer information and requirements including delivery requirements wherein product inventory movements can be monitored by the product inventory management system to verify that actual product inventory that is in the process of being harvested for delivery will be delivered to customers in accordance with delivery requirements of such customers. However, it was old and well known at the time of Applicant's invention to have a delivery schedule with a harvest schedule, including the delivery requirements. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to add a delivery requirements feature for the inventory being harvested to provide an efficient means for moving the product through the distribution/harvesting system.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623